

Department of Early Learning NRMT Meeting Notes  
May 17, 2008, Seattle, Washington

The following agenda guided our discussion.

**Overall Goal:**

The purpose of this Negotiated Rule Making Team (NRMT) is to develop a set of rules and recommendations about issues that affect the health, safety, learning and quality of environment for children that is supported by parents, early care providers, health/ safety experts and interested stakeholders. The NRMT's proposed rules will then move on to the legal and legislative proceedings (and formal public comment period) before they can be formally adopted.

**Today's Meeting Objectives:**

- Hear updates about the commitment to Protocols and the Rule Writing Process;
- Continue our discussion and hear recommendations about Licensing Process;
- Discuss and hear recommendations about Infant Care;
- Discuss and determine what elements should be incorporated into our work moving forward; and
- Determine next steps.

**Pre-Work Given at April 12, 2008 Meeting:**

- ◆ The A-Team (Debbie Knighten is Lead) will come prepared to present current work on the topic of **Infant Care**. If Infant Care is completed, they will also begin work on the topic of **Environment**.
- ◆ The West Side Story (Karen Hart is Lead) will begin working on the topic of **Programs**.
- ◆ The C-Team (Martha Standley is Interim Lead) will continue their work on **Licensing Process**, working specifically on:
  - Identifying a new Lead
  - Completing the columns in the matrices and
  - Developing specific recommendations to propose to the large group.

<b>Time</b>	<b>Topic</b>
<b>10:00</b>	Welcome, Agenda Review, Check in Agenda discussion:
<b>10:20</b>	Protocol Update <ul style="list-style-type: none"><li>◆ NRMT Roster – status of all listed</li><li>◆ Signatures by Members present</li></ul>
<b>10:30</b>	Update from Rule Writers – Judy Jaramillo & Sandra VanDoren
<b>10:40</b>	Work Group Meetings
<b>11:00</b>	Recommendations about <b>Licensing Process</b> – C-Team
<b>12:00</b>	Break to get Lunch

<b>12:20</b>	Continuation of <i>Licensing Process – C-Team</i>
<b>2:00</b>	Break
<b>2:15</b>	Recommendations about <i>Infant Care – A Team</i> , if time allows, or Continue <i>Licensing Process with C-Team</i>
<b>3:15</b>	Action Items, Next Steps
<b>3:20</b>	Next Meeting (June 21, 2008, Ellensburg) Agenda, Assignments, Project Schedule Adjustments Discussion: - Public Health Presentation(s) to NRMT - Teams Selecting Rest of Topics - Scheduling Friday Night-Saturday NRMT Meetings
<b>3:30</b>	Adjourn

***Voting Members Present (21):***

Lola Kling, SEIU-Provider  
Sue Paskewitz, SEIU-Provider  
Debbie Knighten,  
Dionne Milan, DEL  
Judy Bunkelman, DEL  
Donna Horne, WSFCCA  
Sandra VanDoren, EWFCCA  
Lisa Beaulaurier, SEIU (alternate for Karen Hart)  
Mary Ruch-Brown, DEL  
Laura Giddings, Resource & Referral  
Blanca Smith, DEL

Katherine Yasi, SEIU-Provider  
Sherry Schleufer, SEIU  
Nancy Gerber, SEIU-Provider  
Laura Dallison, DEL  
Mary Kay Quinlan, DEL  
Angela Taylor, SEIU-Provider  
Cassandra Clemans, Provider Advocate  
Dora Herrera, SEIU Provider

Martha Standley, DEL  
Judy Jaramillo, DEL

**Public and Others**

Sue Winn, WSFCCA (Alternate)  
Kathleen Hardee, Provider Advocate (alternate)  
Nicole DeFrank, Snohomish County Public Health

Larry Horne, DEL  
Bob McLellan, DEL

Debbie Rough-Mack, Facilitator

Andy Fernando, NRMT Coordinator

### ***Welcome, Check in***

We welcomed new NRMT member Laura Giddings of the Child Care Resource & Referral Network (R&R), who is replacing Cammey Rocco on the roster. R&R may have a second representative late. Under the revised NRMT Protocol, two spots on NRMT are available for R&R. A little later, Blanca Smith, a new NRMT member from the Tri-Cities DEL office, joined the meeting.

### ***Where does Intent go?***

A question was raised about whether or not the “Intent” statements that have been written for each topic area would be included in the WAC document that the NRMT submits for recommendation. In general, the intent describes the “WHY” of a rule, the regulation describes the “WHAT” of a rule, and the guidebook offers some “HOW TO IMPLEMENT” suggestions.

After some discussion, the group voted to include intents in the WAC document, but they will not be part of the regulations. ***Vote 18 in favor, 0 undecided, 0 opposed. (some members joined the meeting in progress).***

### ***Email from Friday***

Members of the NRMT brought up an email that had been widely circulated by an NRMT member containing disparaging remarks about a prematurely published, unfinished matrix on Infant Care. Several team members expressed that the protocols and expectations - that the NRMT had recently carefully developed with full consensus to minimize situations like this – had been breached.

The group voted to empower Andy, as the NRMT Coordinator, to take action on behalf of the group per the protocols. Also, all future draft matrices should be clearly marked “DRAFT”.  
***Vote: 19 in favor, 0 undecided, 0 opposed.***

### ***NRMT Protocol Update***

Andy indicated that there were only a handful of members remaining who had not yet signed their protocol agreement. Signatures by all voting members should be in hand by the next meeting on June 21. (By the end of the day, 27 of the 30 members and alternates had signed the protocol.)

### ***Update from Rule Writers***

Judy Jaramillo and Sandra VanDoren attended an excellent rule writing training class which they found very helpful. They were shown and practiced some format options for writing rules (e.g. question and answer, or by topic). They entered the class believing that they were adamant about NOT using the Q & A format, but the class made them reconsider. They are going to try out different formats before asking for recommendation from the group. Their first topic will be FOOD. They will send out a timeline for how and when they will begin rule writing. [Follow-up: At the June meeting, the writers will present several rule requirements written in three distinct rule styles - Question-Answer; Outline, and Narrative – for the Team to review and choose a preferred style.]

## ***Licensing Process – C Team***

### ***Subtopic: Application Process, Presenter: Martha Standley***

What follows are the highlights and decisions resulting from the discussion. For more complete information refer to the handouts from the meeting.

### ***Licensing the Facility, Certifying the Provider, Staff and Volunteers***

The sub-group did some preliminary research and wanted to get the larger group's opinion on pursuing the concept of portability of credentials. This would mean that the facility would be licensed and the provider (and staff) would be certified separately. The concept of certifying would be similar to what occurs for teachers, who can take their credentials with them if they move to another job location. This issue needs DEL management concurrence, because it impacts the other child care licensing rules, and it may affect of sub-topics under Licensing Process, Staff Qualifications and Background Checks, and possibly others. Andy is preparing a description of this idea for DEL management consideration. The larger group was very interested in having the C group continue their research and come back with specific recommendations.

### ***Pre-Licensing Training***

This topic was previously covered under Staff Qualifications.

### ***Application Form***

- ◆ There should be a 90 day requirement for completion of the Application Process - from application to licensing - included in the rule, to be consistent with the RCW. ***Vote: 19 in favor, 0 undecided, 0 opposed.***
- ◆ If a provider is unable to open within 90 days, provider should have the ability to withdraw and resubmit the application. ***Vote: 19 in favor, 0 undecided, 0 opposed***
- ◆ If all requirements have not been met and if the applicant has not withdrawn the application, the application will be denied. ***Vote: 19 in favor, 0 undecided, 0 opposed***

### ***Identification***

There was a mixed discussion about this, and a few votes were taken.

- First, to keep the same language as the current requirement. ***Vote: 9 in favor, 6 undecided, 3 opposed.***
- Second, to keep the language as the current requirement but insert the word “valid” where appropriate ***Vote 7 in favor, 3 undecided, 5 opposed.***

The group ultimately decided that the writing committee could deal with this, and to consider the intent of the identification (i.e. is it just to verify that you are who you say you are?), as well as the recommendations of the legal advisors.

### ***Water and Sewage***

The group determined that they needed expert input on this, and will identify questions for next month's guest speaker from Public Health. (One identified resource was a visiting member of the public, Nicole DeFrank, from Washington State Child Health & Safety Advisory Committee and Snohomish County Public Health.)

### ***Fees***

The group voted to remove the specific dollar amount listed in the WAC, but to otherwise keep the language the same as the current requirement. ***Vote: 20 in favor, 0 undecided, 0 opposed.*** The group may reconsider this topic if facilities are licensed and are staff certified.

### ***Background Checks***

The group proposed that the licensee must complete a background check per WAC 170-06. ***Vote: 20 in favor, 0 undecided, 0 opposed.***

### ***Moves***

The RCW allows a provider to operate in a new location for two weeks without a license, but this is very little time for the provider to be ready, or for the licensor to complete a home inspection.

The group proposed that an application should be submitted as soon as the provider plans to move (prior to the move, but not more than 90 days in advance of the move). ***Vote: 21 in favor, 0 undecided, 0 opposed.*** "Move" and "residence" may need definition, and the guidebook needs to include helpful information and a checklist for providers on things to consider with a move, such as contacting the licensor, fire department, local public health, etc.

### ***Subtopic: Renewal Process: Martha Standley***

The group proposed that there be a newly created Renewal section in the WAC and that the renewal process will be a different (streamlined) process from the process for a new license. ***Vote: 20 in favor, 0 undecided, 0 opposed.*** The C & C group will revisit this, craft a recommended WAC concept and bring it back to the group.

### ***Subtopic: Waivers, Presenters: Lola Kling and Dora Herrera***

The group decided to use language from the old WAC 388-155-050, and to include language saying that the RCW is not waived. The old WAC read:

- (1) In an individual case, the department, with good cause, may waive a specific requirement and may approve an alternate method of achieving the specific requirement's intent if the:
  - (a) Licensee or applicant submits to the department a written waiver request fully explaining the circumstances necessitating the waiver; and
  - (b) Department determines [that] waiver approval will not jeopardize the safety or welfare of the child in care or detract from the quality of services the licensee delivers.

- (2) The department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of the license.
- (3) The department may limit or restrict a license issued in conjunction with a waiver.
- (4) The licensee shall maintain on the premises a copy of the written waiver approval.
- (5) The department's denial of a waiver request shall not be subject to appeal under chapter 34.05 RCW.

***Vote: 19 in favor, 2 undecided, 0 opposed.*** The 2 undecided votes noted concerns that the language deals with situations that might be short term or changeable, but does not address issues that won't change (e.g. the example of a policeman who carries a gun and resides in a home where there is licensed child care).

**Subtopic: Child Care Subsidies, Presenter: Angela Taylor on behalf of Marge Johnson**

C-Team recommended a rule letting providers know they must refer the requirements of the child care subsidy program that they get paid subsidies from and the Collective Bargaining Agreement for other information, but that the DEL Subsidy Guidebook should give details on the types of subsidies available. This issue will be revisited by DEL (Judy J. & Andy) to examine relationships and responsibilities of DEL and DSHS and to determine where this information belongs. Should it be in the guidebook instead of part of WAC? Judy & Andy will report back.

**Subtopic: Compliance with Other State Law and Rules and City and County Ordinances,**

**Presenter: Cassandra Clemans**

The group decided to include a WAC about compliance with other entities in the Application and Renewal sections of Licensing Process. No specific language was decided at this time, but it was determined that the Orientation & the Guidebook need to include information on compliance. Other topics areas may want to include notes on compliance as specific issues arise (e.g. fencing in) that may be impacted by other requirements, such as local building codes. ***Vote 21 in favor, 0 undecided, 0 opposed.***

***Next Steps, Action Items***

- ◆ Andy & Judy J. will return with recommendations about where the *Subsidies* subtopic belongs.
- ◆ Andy will contact the remaining three NRMT members who have not yet signed the protocol agreement – signatures are needed by June 21.
- ◆ Andy will arrange for a visit from a Public Health professional for our June 21 meeting, and will ask them to bring their study on health hazards in child care. Any questions that the C-Team and the A-Team have for the Public Health Professional (specifically on issues that came up in Licensing Process and Infant Care) should be forwarded to Judy Jaramillo by May 30.

- ◆ **The June 21 meeting will be at the Ellensburg Public Utility District (PUD), 1400 Vantage Highway, on June 21st.** Details will be posted on the DEL Negotiated Rule Making website at: <http://www.del.wa.gov/laws/rules/negotiated.aspx>.
- ◆ Andy will publish a big-picture project schedule which lists all topic areas and which teams will be working on which topics. Teams chose the following future topics:

A-Team: Corrective & Adverse Actions; Indoor & Outdoor Environments

C Team: Record-keeping & Postings; Emergency Preparedness; Nurturing & Guidance

Westside Story: Program; Supervision-Capacity-Ratios; Health

***Pre-Work for the Small Groups:***

- ◆ The C Group (Martha Standley is Interim Lead) will continue their work on ***Licensing Process***, working specifically on:
  - Topics the full group didn't cover this meeting, such as Types of Licenses;
  - Recommendations for a Renewal process and rule; and
  - Exemptions.
- ◆ The A-Team (Debbie Knighten is Lead) will continue work on the topic of ***Infant Care***, for anticipated full group discussion-recommendations on June 21.. After that, they will begin work on the topic of ***Indoor & Outdoor Environments***.
- ◆ The West Side Story (Karen Hart is Lead) will continue work on the topic of ***Programs***.